

BMS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

FILED

EDWARD BRACEY,

Petitioner,

v.

JEFFREY BEARD, et al.,

Respondents,

CIVIL ACTION (HABEAS CORPUS)

No. 02-CV-3685

MICHAEL E. KUNZ, Clerk

Hon. Berle R. Schiller
Dep. Clerk

This is a capital case

**MOTION FOR 20 DAY EXTENSION TO FILE
PETITIONER'S MEMORANDUM**

Petitioner, Edward Bracey, through his counsel and with the consent of counsel for the Respondents (Thomas Dolgenos, Esquire, Chief, Federal Litigation, Philadelphia District Attorney's Office), respectfully moves for a 20 day extension to file his memorandum of law herein. In support, Petitioner submits:

1. This is a habeas corpus action in a capital case. The Court has allowed Petitioner until March 17, 2003 to file his memorandum of law.
2. Petitioner respectfully requests that the Court allow this 20 day extension of this schedule. Petitioner did not want to make this extension request, but has to do so under the circumstances described immediately below.

3. Respondents have no objection to the granting of this request. Counsel for Respondents, Thomas Dolgenos, Esquire, of the Philadelphia District Attorney's Office authorized Petitioner to make this representation on Respondent's behalf.

4. The grounds for this request are that the attorney assigned to complete the necessary research and original draft of the memorandum, Ellen Berkowitz, Esquire, is no longer employed by the Defender Association. She left abruptly several days ago and much of the necessary research has not been completed. This work must now be otherwise completed. Petitioner requests this extension, due to the unforeseen circumstances outlined above.

5. The granting of this shall cause no prejudice to Respondent

WHEREFORE, Petitioner respectfully requests that the Court allow this unopposed 20 day extension.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Moreno", is written over a horizontal line.

JAMES MORENO
Capital Habeas Corpus Unit
Federal Court Division
Defender Association of Philadelphia
437 Chestnut Street, Suite 510
Philadelphia, Pa. 19106-2414
215-928-0520

Dated: March 17, 2003

CERTIFICATE OF SERVICE

I, Billy H. Nolas, hereby certify that on this date, I caused the foregoing *Motion for 20 Day Extension To File Petitioner's Memorandum* to be served on the following person by first class mail:


Thomas Dolgenos, Esq.
Office of the Philadelphia County District Attorney
1421 Arch Street
Philadelphia, PA 19102

FILED

MAR 17 2003

MICHAEL E. KUNZ, Clerk

By _____ Dep. Clerk


James Moreno

Dated: March 17, 2003